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SENATORS CONCUR ON WAR CURBS BILL

Accord to Limit President
Set by Key Conservative
and Liberal Members

By JOHN W. FINNEY
Special to The New York Times

WASHINGTON, Nov. 29—Key conservative and liberal Senators have reached agreement on compromise legislation to curb the war-making powers of the Presidency.

Basically the proposed legislation would provide that the President could engage the nation in hostilities in certain emergency situations but could not continue a military action for more than 30 days without obtaining Congressional approval.

Details of the legislation, designed to check the power of the President to commit the United States to undeclared wars, such as that in Vietnam, were worked out in recent days between Senator Jacob K. Javits, Republican of New York, and Senator Thomas F. Eagleton, Democrat of Missouri, and Senator John Stennis, Democrat, of Mississippi, chairman of the Senate Armed Services Committee.

With the unified support of

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such liberal and conservative Senators, it now seems likely that the legislation, in the form of a separate bill, will be approved in the near future by the Senate Foreign Relations Committee, clearing the way for its passage by the Senate early next year.

In a recent letter to Senator Javits, the original sponsor of war powers legislation, Senator Stennis praised the principles

of the compromise bill as "clear" and "sound" and expressed hope that some version of the bill would be enacted into law "in the near future."

Such an endorsement by the chairman of the Senate Armed Services Committee is virtually certain to result in wide-spread conservative support for the legislation. Senators Javits and Eagleton, meanwhile, can be expected to rally liberal and moderate support for the measure.

The hope of the sponsors is that the legislation can be approved by the Senate early next year before it could become involved in the Presidential politics of an election year, with the suggestion that the

bill in some ways might be aimed at President Nixon.

There would remain the problem of obtaining the approval of the House of Representatives, which has taken a less assertive attitude on the issue of the relative war powers of Congress and the Presidency. But the hope is that Senator Stennis' sponsorship will result in a more sympathetic approach on the part of the House leadership.

Quick Approval Sought

For some members of the Senate Foreign Relations Committee, quick committee approval of the bill has assumed some urgency in view of the Senate's recent retreat from its

attempt to impose a Vietnam troop withdrawal policy upon the President. With the war powers legislation, the committee would have an opportunity to reassert the principle, at least in future cases, of the equality of the Senate and the executive branch in determining foreign policy.

On another front, the committee will make a last-ditch attempt to establish that principle in the foreign aid legislation when it goes into conference tomorrow with members of the House Foreign Affairs Committee. As passed by the Senate this month, the foreign aid legislation contains several legislative restrictions on the for-

eign policy powers of the President.

The proposed new compromise legislation to curb the President's war-making powers represents a convergence of views of conservatives and liberals in the Senate, largely as a reaction to the use of Presidential powers in the Vietnam war.

Curbs Opposed by White House

The bill represents the first serious legislative attempt in recent years to impose restrictions on the war-making powers of the Presidency and to reassert the constitutional power of Congress to declare war. It has been opposed by the Nixon Administration which, following a

pattern that has developed in the last half-century, has argued that the President, as Commander in Chief, must have certain flexibility in determining when to commit the armed forces to combat.

In essence, the legislation attempts to strike a compromise between giving the President flexibility to meet emergency situations and protecting the constitutional prerogative of Congress to pass on hostilities.

On one hand, the bill would authorize the President to use the armed forces to repel an attack on United States forces stationed abroad, and to protect American citizens.

However, it would provide

that the President could not continue such emergency use of the forces for more than 30 days without congressional consent.

Stennis Endorses War Powers Curb

Senate Armed Services Committee Chairman John Stennis (D-Miss.) has reached agreement in principle with Sens. Jacob K. Javits (R-N.Y.) and Thomas F. Eagleton (D-Mo.) on legislation defining the limits of presidential war powers.

In a Nov. 24 letter to Javits, Stennis characterized as a "reasonable compromise" a bill spelling out the situations in which a President would be permitted to take emergency military action without the prior specific consent of Congress.

Stennis, who has introduced his own presidential-powers measure, said he hoped some version would be enacted soon.

The compromise plan would allow the President—in the absence of a declaration of war—to take emergency action in four types of situations. But it would require him to stop that action within 30 days unless he received congressional approval to continue. The authorization to continue must be specific, and not simply derived from an appropriation of funds for military activities.

The legislation stems from unhappiness with the way the United States got into the Vietnam war and from widespread feeling that Congress should reassert its control while allowing for emergency presidential action.

Under the compromise, the President could act without prior congressional authorization if necessary to repel or pre-empt an attack on the United States; to repel attack on its armed forces stationed abroad; to protect the evacuation of U.S. citizens from foreign places; or pursuant to a direct congressional authorization other than a declaration of war.

ing; a specific congressional go-ahead even for emergency action under these treaties would be required.

Stennis' agreement in principle to the latest version of the war powers measure—which Under Secretary of State John N. Irwin II had opposed in testimony before the Senate Foreign Relations Committee—indicates that this strong advocate of military preparedness is disturbed by the President's broad powers to commit the nation to combat by executive action. The agreement reached last week is another step toward eventually bringing the proposal before the Senate.

The Foreign Relations Committee has taken no action on the measure other than hearings, but there appear to be enough votes on the committee to approve it once a meeting is called.